UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/1996/98
19 September 1996

ORIGINAL : ENGLISH

Substantive session of 1996

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Note by the Secretary-General

The Secretary-General has the honour to transmit herewith the twenty-second report of the International Labour Organisation under article 18 of the International Covenant on Economic, Social and Cultural Rights, submitted in accordance with the Economic and Social Council resolution 1988 (LX).

GE.96-18244

TABLE OF CONTENTS

Part I

Introduction..... 2

Part II

A. Principal ILO Conventions relevant to Articles 6-10 and 13 of the Covenant..... 3

B. Indications concerning the situation of individual countries..... 6

Situation concerning Articles 6-10 and 13 of the Covenant

Belarus..... 7
Dominican Republic..... 8
Finland..... 10
Honduras..... 13
Libyan Arab Jamahiriya..... 14
Portugal - Macao..... 16
United Kingdom - Hong Kong..... 19

Annex: Index of countries and of relevant information supplied by the ILO since 1978..... 21

PART I

Introduction

The present report has been established according to the arrangements approved by the Governing Body of the International Labour Office[1] to give effect to resolution 1988 (LX) of 11 May 1976 of the United Nations Economic and Social Council requesting specialized agencies to submit reports in accordance with Article 18 of the International Covenant on Economic, Social and Cultural Rights, on the progress made in achieving the observance of the provisions of the Covenant falling within the scope of their activities. According to these arrangements, the International Labour Office is entrusted with the task of communicating to the United Nations, for presentation to the Committee on Economic, Social and Cultural Rights, information on the results of the operation of various ILO supervisory procedures in the fields covered by the Covenant. It should remain open for the Committee of Experts on the Application of Conventions and Recommendations to report on particular situations whenever it deems this desirable or when specifically requested to do so by the Committee on Economic, Social and Cultural Rights.

The report will follow the approach adopted since 1985, and will contain in Part II:(a) indications concerning the principal ILO Conventions relevant to Articles 6-10 and 13 of the Covenant; and (b) indications concerning ratification of these Conventions and comments made by ILO supervisory bodies with regard to the application of these Conventions by the States concerned (in so far as the points at issue appear to have a bearing also on the provisions of the Covenant). The latter indications are based mainly on the comments of the Committee of Experts resulting from its examination of the reports on the Conventions in question. Account was also taken of the conclusions and recommendations adopted under constitutional procedures for the examination of representations or complaints and, in the case of Article 8 of the Covenant, of the conclusions and recommendations of the Committee on Freedom of Association of the ILO Governing Body following examination of complaints alleging violation of trade union rights.[2]

Given the increased recourse to the Joint ILO/UNESCO allegations procedure concerning teaching personnel, it is proposed to add information on cases examined there under Article 13 of the Covenant, when relevant to the country reports being examined.

The list of countries for which information has been provided in the present report appears in the table of contents. A recapitulatory list of States Parties to the Covenant and of ILO reports containing information concerning them will be found in the Annex.

---

[1] Decisions of the Governing Body at its 201st Session (November 1976) and at its 236th Session (May 1987).

[2] Information on the procedures and machinery for the implementation of ILO standards, including the operation of its supervisory bodies, can be found in UN Action in the Field of Human Rights (United Nations publication, New York, 1988, Sales No. E.88 XIV.2), Chapter XIV, section D.1. Further information can be found in a document submitted to the World Conference on Human Rights, published as UN document A/CONF.157/PC/6/Add.3.

PART II

A. Principal ILO Conventions relevant to Articles 6-10 and 13 of the Covenant

The following is a list of the principal ILO Conventions relevant to each of Articles 6-10 and 13 of the Covenant.[3] Indications on the ratification of these Conventions by each State concerned are given in section B of this part (indications concerning the situation of individual countries).

Article 6 of the Covenant

Unemployment Convention, 1919 (No.2)
Forced Labour Convention, 1930 (No.29)
Fee-Charging Employment Agencies Convention, 1933 (No.34)
Employment Service Convention, 1948 (No.88)
Fee-Charging Employment Agencies Convention, 1949 (No.96)
Abolition of Forced Labour Convention, 1957 (No.105)
Indigenous and Tribal Populations Convention, 1957 (No.107)
Discrimination (Employment and Occupation) Convention, 1958 (No.111)
Social Policy (Basic Aims and Standards) Convention, 1962 (No.117)
Employment Policy Convention, 1964 (No.122)
Paid Educational Leave Convention, 1974 (No.140)
Human Resources Development Convention, 1975 (No.142)
Workers with Family Responsibilities Convention, 1981 (No.156)
Termination of Employment Convention, 1982 (No.158)
Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No.159)
Employment Promotion and Protection Against Unemployment Convention, 1988 (No.168), Part II.
Indigenous and Tribal Peoples Convention, 1989 (No.169)

Article 7 of the Covenant

Remuneration

Minimum Wage-Fixing Machinery Convention, 1928 (No.26)
Minimum Wage-Fixing Machinery (Agriculture) Convention, 1951 (No.99)
Minimum Wage-Fixing Machinery Convention, 1970 (No.131)

There are, in addition, particularly for Articles 7 and 9, a number of Conventions dealing with corresponding matters in particular occupational sectors (e.g. road transport, seafarers, fisherman, dock workers, plantation workers, nursing personnel) or with particular categories of workers (e.g. migrant workers, workers in non-metropolitan territories). These Conventions are not included in the present list but are taken into account in the indications concerning the situation in individual countries.

Equal remuneration

Equal Remuneration Convention, 1951 (No.100)

Rest, limitation of working hours and holidays with pay

Hours of Work (Industry) Convention, 1919 (No.1)
Weekly Rest (Industry) Convention, 1921 (No.14)
Hours of Work (Commerce and Offices) Convention, 1930 (No.30)
Forty-Hour Week Convention, 1935 (No.47)
Holidays with Pay Convention, 1936 (No.52)
Holidays with Pay (Agriculture) Convention, 1957 (No.101)
Weekly Rest (Commerce and Offices) Convention, 1957 (No.106)
Holidays with Pay Convention (Revised), 1970 (No.132)
Part-time Work Convention, 1994 (No.175)

Safe and healthy working conditions

White Lead (Painting) Convention, 1921 (No.13)
Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No.27)
Protection Against Accidents (Dockers) Convention, 1929 (No.28)
Protection Against Accidents (Dockers) Convention, 1932 (No.32)
Safety Provisions (Building) Convention, 1937 (No.62)
Labour Inspection Convention, 1947 (No.81)
Radiation Protection Convention, 1960 (No.115)
Guarding of Machinery Convention, 1963 (No.119)
Hygiene (Commerce and Offices) Convention, 1964 (No.120)
Maximum Weight Convention, 1967 (No.127)
Labour Inspection (Agriculture) Convention, 1969 (No.129)
Benzene Convention, 1971 (No.136)
Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No.148)
Occupational Safety and Health (Dock Work) Convention, 1979 (No.152)
Occupational Safety and Health Convention, 1981 (No.155)
Occupational Health Services Convention, 1985 (No.161)
Asbestos Convention, 1986 (No.162)
Safety and Health in Construction Convention, 1988 (No.167)
Chemicals Convention, 1990 (No.170)
Night Work Convention, 1990 (No.171)

Article 8 of the Covenant

Right of Association (Agriculture) Convention, 1921 (No.11)
Freedom of Association and Protection of the Right to Organize Convention, 1948 (No.87)
Right to Organize and Collective Bargaining Convention, 1949 (No.98)

Workers' Representatives Convention, 1971 (No.135)
Rural Workers' Organizations Convention, 1975 (No.141)
Labour Relations (Public Service) Convention, 1978 (No.151)
Collective Bargaining Convention, 1981 (No.154)

Article 9 of the Covenant

Workmen's Compensation (Agriculture) Convention, 1921 (No.12)
Workmen's Compensation (Accidents) Convention, 1925 (No.17)
Workmen's Compensation (Occupational Diseases) Convention, 1925 (No.18)
Equality of Treatment (Accident Compensation) Convention, 1925 (No.19)
Sickness Insurance (Industry) Convention, 1927 (No.24)
Sickness Insurance (Agriculture) Convention, 1927 (No.25)
Old-Age Insurance (Industry, etc.) Convention, 1933 (No.35)
Old-Age Insurance (Agriculture) Convention, 1933 (No.36)
Invalidity Insurance (Industry, etc.) Convention, 1933 (No.37)
Invalidity Insurance (Agriculture) Convention, 1933 (No.38)
Survivor's Insurance (Industry, etc.) Convention, 1933 (No.39)
Survivor's Insurance (Agriculture) Convention, 1933 (No.40)
Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No.42)
Unemployment Provisions Convention, 1934 (No.44)
Maintenance of Migrants' Pension Rights Convention, 1935 (No.48)
Social Security (Minimum Standards) Convention, 1952 (No.102)
Equality of Treatment (Social Security) Convention, 1962 (No.118)
Employment Injury Benefits Convention, 1964 (No.121)
Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No.128)
Medical Care and Sickness Benefits Convention, 1969 (No.130)
Maintenance of Social Security Rights Convention, 1982 (No.157)
Employment Promotion and Protection Against Unemployment, 1988 (No.168)

Article 10 of the Covenant

(a) Maternity protection (re paragraph 2)

Maternity Protection Convention, 1919 (No.3)
Maternity Protection Convention (Revised), 1952 (No.103)

(b) Protection of children and young persons in relation to employment and work (re paragraph 3)

Minimum Age (Industry) Convention, 1919 (No.5)
Minimum Age (Sea) Convention, 1920 (No.7)
Minimum Age (Agriculture) Convention, 1921 (No.10)
Minimum Age (Trimmers and Stokers) Convention, 1921 (No.15)
Minimum Age (Non-Industrial Employment) Convention, 1932 (No.33)

Minimum Age (Sea) Convention (Revised), 1936 (No.58)
Minimum Age (Industry) Convention (Revised), 1937 (No.59)
Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No.60)
Minimum Age (Fisherman) Convention, 1959 (No.112)
Social Policy (Basic Aims and Standards) Convention, 1952 (No.117)
Minimum Age (Underground Work) Convention, 1965 (No.123)
Minimum Age Convention, 1973 (No.138)
Night Work of Young Persons (Industry) Convention, 1919 (No.6)
Night Work (Bakeries) Convention, 1925 (No.20)
Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No.79)
Night Work of Young Persons (Industry) Convention (Revised), 1948 (No.90)
White Lead (Painting) Convention, 1921 (No.13)(Article 3)
Radiation Protection Convention, 1960 (No.115)(Article 7)
Maximum Weight Convention, 1967 (No.127)(Article 7)
Benzene Convention, 1971 (No.136)(Article 11)
Medical Examination of Young Persons (Sea) Convention, 1921 (No.16)
Medical Examination (Seafarers) Convention, 1946 (No.73)
Medical Examination of Young Persons (Industry) Convention, 1946 (No.77)
Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No.78)
Medical Examination (Fishermen) Convention, 1959 (No.113)
Medical Examination of Young Persons (Underground Work) Convention, 1965 (No.124)

Article 13 of the Covenant

Human Resources Development Convention, 1975 (No.142)

*
* *

Reference is also made, when appropriate, to the ILO/UNESCO Joint Recommendation concerning the status of teachers, 1966, and to the work of the Joint ILO/UNESCO committee which supervises its application.

B. Indication concerning the situation of individual countries

For each Article of the Covenant under consideration, these indications show the state of the ratification of the corresponding Conventions by the country in question, and references to the relevant comments of the supervisory bodies with regard to the application of these Conventions. Full copies of the comments of the Committee of Experts are appended (in English, French and Spanish), and should be consulted for further details.

The absence of any such reference signifies either that there are no comments at the present time regarding the application of a particular Convention, or that the comments that have been made deal with points not relating to the provisions of the Covenant or to matters (for example, simple requests for information) which it would not appear to be necessary to deal with at this stage, or again that the government's reply concerning the application of a

Convention on which comments had been made has not yet been examined by the Committee of Experts.

When references are made to the "observation" of the Committee of Experts, their texts are published in the report of the Committee for the same year (Report III (Part 4A) of the corresponding session of the International Labour Conference). In addition, comments have been formulated in requests for information addressed directly by the Committee of Experts to the governments in question; such comments are not published but the text is made available to the interested parties.

Finally, it should be noted that exceptionally two sessions of the Committee of Experts were held in 1995, in March and in November-December. Indications are given in the text as to which of the two sessions is concerned, if relevant.

*

BELARUS

Information concerning Belarus has been supplied on several occasions, most recently in 1987.

The following relevant Conventions have been ratified and are in force for Belarus (for full names see the list of Conventions in Part II A above):11, 14, 16, 26, 27, 29, 32, 47, 52, 77, 78, 79, 81, 87, 88, 90, 98, 100, 103, 105, 106, 111, 115, 119, 120, 122, 124, 138, 142.

*

Article 7

In its 1995 observation on the Holidays with Pay Convention, 1936 (No.52), the Committee of Experts noted the 1992 version of the Labour Code which authorizes the postponement of annual holiday in exceptional cases. However, the Committee recalled that under the Convention, every person shall be entitled to an annual holiday of at least six working days. It thus hoped that the Government would take necessary measures to bring the legislation into conformity with the Convention.

Article 8

At its March 1996 meeting, the Committee on Freedom of Association examined *Case No. 1849*, presented by several international and national trade unions in August and September 1995, alleging violations of the right to strike, arrests and detention of trade union leaders and the restrictive legislation on freedom of association. The Committee deeply regretted that certain measures contradictory to the principles of the freedom of association were taken during the Minsk metro and the trolleybus strike in Gomeyel. The

CFA requested the Government to modify its legislation so that transport workers may also enjoy the right to strike and to ensure that trade unionists can leave the country to participate in union activities abroad. Furthermore, it urged the Government to refrain in future from using police force for reasons other than maintaining public order, imprisoning trade unionists, from searching and confiscating trade union property without proper warrant, and from using substitute workers to break a strike. It reminded the Government that ILO technical assistance is at its disposal and requested to be kept informed of the conclusions arrived at by the Procurator of the Republic and the commission of inquiry established in accordance with the recommendations of the Committee.

Article 10

In its 1995 observation on the Minimum Age Convention, 1973 (No.138), the Committee of Experts noted that the provisions of the Rights of the Child Act are fully in conformity with the December 1992 version of the Labour Code, which permit the conclusion of a work contract with a person of 14 years of age or older with parental consent and persons of 16 years of age or older without written approval.

*

The Committee of Experts furthermore addressed direct requests to the Government in 1993 on Convention No.142, in 1994 on Convention No.100, in 1995 on Conventions Nos.14, 106, 122 and 138, and in 1995 (Nov.-Dec.) on Conventions Nos.87, 98 and 111.

DOMINICAN REPUBLIC

Information concerning Dominican Republic has been supplied on several occasions, most recently in 1991.

The following relevant Conventions have been ratified and are in force for Dominican Republic (for full names see the list of Conventions in Part II A above): 1, 5, 7, 10, 19, 26, 29, 52, 77, 79, 81, 87, 88, 90, 98, 100, 105, 106, 107, 111, 119, 159, 171.

*

Article 6

In its 1995 observation on the Employment Service Convention, 1953 (No.88), the Committee of Experts noted the information provided by the Government indicating that the National Employment Commission still remains inoperative and that the General Directorate of Employment and Human Resources of the State Secretariat for Labour still plays a

modest role on the Dominican labour market due to the lack of financial resources. The Committee expressed its hope that appropriate measures will be taken in the very near future to fully activate these operations. The Committee also noted the adoption of the Act on the Civil and Administrative Service No. 14/91 of 29 May 1991, assuring stability of employment for public servants. However, noting that the staff of the State Secretariat for Labour is not yet covered by the provisions of this Act, the Committee hoped that necessary changes will be made and asked to be kept informed on progress achieved in this regard.

Article 7

In its 1995 (Nov.-Dec.) observation on the Minimum Wage-Fixing Machinery Convention, 1928 (No.26), the Committee of Experts noted from the Government's report the National Wages Commission's decision to increase the statutory minimum wage by 20 per cent in the private sector. The Committee requested the Government to continue supplying information on the measures which have been taken or are envisaged to ensure the fixing of minimum wages.

In its 1995 (Nov.-Dec.) observation on the Labour Inspection Convention, 1947 (No.81), the Committee of Experts noted with satisfaction the changes made under the terms of the Labour Code of 1992 in the organization of the Labour Inspection Service. The Committee also noted the establishment of the National Directorate of Inspection and the various measures taken to improve the technical and administrative support services for labour inspection. Furthermore, the Government has requested the technical cooperation of the ILO to determine and classify occupational diseases and to develop new industrial health and safety regulations, thus the Committee wished to be kept informed of the progress achieved in these areas.

In its 1994 observation on the Equal Remuneration Convention, 1951 (No.100), the Committee of Experts noted with satisfaction the extension of the 1992 Labour Code to include all agricultural enterprises. However, the Committee noted that section 194 of the new Code gives only partial effect to the principle of equal remuneration for work of equal value because if refers to equal pay "for equal work". It therefore asked the Government to indicate in its next report how this principle is being implemented.

Article 8

In its 1995 observation on the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No.87), the Committee of Experts noted with satisfaction the implementation of Regulations of the Civil Service and Administrative Careers Act which prohibits the disbanding of associations of public employers by the Executive. Moreover, the Committee noted with interest the Government's report stating that there have been no rejections of applications to register trade unions in the export-processing areas and that penal actions have been applied to those enterprises not in compliance with trade union rights. Nevertheless, noting that the Government had not replied to its comments concerning the formation of confederations, the Committee asked the Government to report the measures adopted to enable confederations to be formed without impediment.

At its March 1996 meeting, the Committee on Freedom of Association examined three cases (*Nos.1732, 1751 and 1860*), presented by international and national workers' organizations alleging stiff opposition from the employers to form trade unions, dismissal of trade union leaders, pressures on workers to withdraw from union membership, and assault and death of workers.

As regards *Case No.1732* presented by the International Confederation of Free Trade Unions in September 1993, the CFA had requested the Government to keep it informed of the outcome of the legal action taken in connection with several trade union leaders dismissed. In its March 1996 report, the Committee noted the follow-up information supplied by the Government to the effect that several cases have been satisfactorily resolved, but regretted that , in the Westinghouse case, the dismissal of the union leaders was authorized by the judicial authority.

The CFA also noted in its March 1996 report the follow-up information supplied by the Government concerning *Case No.1751*, presented in November 1993 by the National Federation of Sugar, Agricultural and Allied Workers. It noted that the Secretary of State for Labour had taken necessary measures to allow workers to join any trade union that they set up.

In its March 1996 report, the CFA examined *Case No.1860* presented in October 1995 by the International Union of Food, Agricultural, Hotel Restaurant, Catering, Tobacco and Allied Workers' Associations and alleging violations of the human rights and fundamental trade unions rights of unarmed civilians during a demonstration, and of brutal treatment of labourers from Haiti. The Committee noted the response by the Government and requested, that in the future, the forces of order would respond proportionately to the actions of demonstrators. It asked to be kept informed of findings concerning the young woman who suffered a miscarriage as a result of an assault. The committee decided not to pursue the alleged aggression of 38 Haitian workers until more information is supplied by the complainant.

*

The Committee of Experts furthermore addressed direct requests to Dominican Republic in 1994 on Conventions Nos.29 and 100, in 1995 on Conventions Nos.52, 87, 106 and 119, and in 1995 (Nov.-Dec.) on Conventions Nos. 26, 81, 105 and 111.

FINLAND

Information concerning Finland has been supplied on several occasions, most recently in 1986.

The following relevant Conventions have been ratified and are in force for Finland (for full names see the list of Conventions in Part II A above): 2, 11, 12, 13, 14, 16, 17, 18, 19, 27, 29, 30, 47, 62, 73, 81, 87, 88, 98, 100, 105, 111, 115, 118, 119, 120, 121, 122, 124, 128, 129, 130, 132, 135, 136, 138, 140, 141, 142, 148, 151, 152, 154, 155, 156, 158, 159, 161, 162, 168.

*

Article 6

In its 1992 observation on the Fee-Charging Employment Agencies Convention, 1949 (No.96), the Committee of Experts noted the information provided by the Government describing a group set up by the Ministry of Labour in 1989 to survey developments in of the hiring of labour and measures required to eliminate existing problems. The Committee also noted the adoption of Decree No. 59/1991 forbidding "chain hiring" particularly in the field of entertainment. In reply to a concern posed by the Central Organization of Finnish Trade Unions (SAK), the Government indicated that hiring of foreign nationals has been regulated through work permit procedures. The Committee noted this information and asked to be kept informed of the development and results of the reform of manpower services legislation.

In its 1995 observation on the Employment Policy Convention, 1964 (No.122), the Committee of Experts noted the Government's report and the comments made by the SAK and the Confederation of Unions for Academic Professionals (AKAVA), concerning the sudden and unprecedented decline in their economic activity and employment. The Committee requested the Government to supply detailed information on the tripartite consultation held in light of the provisions of Article 3 of the Convention and on the outcome of various economic policies designed to promote full, productive and freely chosen employment.

In its 1994 observation on the Workers with Family Responsibilities Convention, 1981 (No.156), the Committee of Experts noted its appreciation for the detailed information provided by the Government concerning the day-care and home-care allowance system for parents with young children, and hoped that the Government would continue its attempts to foster the aims of the Convention.

Article 7

In its 1994 observation on the Equal Remuneration Convention, 1951 (No.100), the Committee of Experts noted the information provided by the Government as well as from various employers' and workers' organizations regarding equality of pay between men and women workers. It noted with interest the information on the outcome of the study of a working group on job evaluation systems and requested that further information be furnished on its conclusions and on the practical application of the 1992 State Employer's Salary and Wage Policy Programme.

In its 1995 observation on the Radiation Protection Convention, 1960 (No.115), the Committee of Experts noted with satisfaction the adoption and coming into force of the new Radiation Act (592/91) and Radiation Decree (1512/91) and other legislative measures taken to protect pregnant women workers. It further noted that appropriate steps are being implemented in order to ensure that workers exposed to ionizing radiation receive proper health checks and adequate information in regard to occupational health hazards at the workplace.

In its 1994 observation on the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No.148), the Committee of Experts noted with interest the information provided by the Government, employers' and workers' organizations concerning the establishment of binding limit values of exposure with respect to air pollution, noise and vibration. It recalled that under the Convention, competent authorities may take appropriate measures to specify exposure limits where necessary, and requested the Government to supply further information on any new limit values set by the Council of State or by the Ministry of Labour.

Article 8

In its 1995 observation on the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No.87), the Committee of Experts noted with satisfaction the entering into force of the amendments which remove restrictions on nationality and domicile and which repeal the practice of registering members' nationalities in an association's membership list. It requested the Government to be kept informed of developments regarding the Bill which would revise the fundamental rights of citizens, aimed at securing freedom of association and trade union rights.

In its 1995 (Nov.-Dec.) observation on the Right to Organize and Collective Bargaining, 1949 (No.98), the Committee of Experts noted with interest several amendments guaranteeing freedom of association and the sanctioning of punishment, by imprisonment or by fines, of those who prevent employees from participating in trade union activities. Moreover, the Committee requested the Government to provide a copy of the Municipality Act, as amended, as well as its replies to AKAVA and SAK's concerns on practices not in conformity with the Convention.

Article 9

In its 1995 observation on the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No.128), the Committee of Experts noted with interest the entry into force of the reform of the pensions scheme, which also covers public sector workers and hoped that these reforms will enable workers engaged in occupations that are arduous or unhealthy to receive old-age benefit before the age of 65 years, in accordance with the Convention.

Article 13

In its 1992 observation on the Human Resources Development Convention, 1975 (No.142), the Committee of Experts noted the coming into force in 1991 of the Act on Labour Market Training to promote equilibrium between the supply and demand for labour by strengthening vocational training for the adult population. It also noted the long-standing criticisms by both employers' and workers' organizations concerning consultation with all social partners in the formulation of vocational training and guidance policies and programmes, and trusted the Government to supply full particulars in its next report on the formal consultative procedures and machinery that have been established.

*

The Committee of Experts furthermore addressed direct requests to Finland in 1992 on Conventions Nos.13, 136 and 138, in 1993 on Conventions Nos.119 and 152, in 1994 on Conventions Nos.88, 100, 129, 151, 156, 161 and 162, in 1995 on Conventions Nos.115, 128, 132 and 159, and in 1995 (Nov.-Dec.) on Conventions, Nos.81, 111 and 158.

HONDURAS

Information concerning Honduras has not been supplied previously.

The following relevant Conventions have been ratified and are in force for Honduras (for full names see list of Conventions in Part II A above): 14, 27, 29, 32, 42, 62, 78, 81, 87, 98, 100, 105, 106, 111, 122, 138, 169.

*

Article 6

In its 1995 (Nov.-Dec.) observation on the Forced Labour Convention, 1930 (No.29), the Committee of Experts referred to the situation concerning the non-military work that conscripts are required to perform under the Constitution, and noted that an executive decree aimed at amending the regulations issued under the Military Service Act is not in conformity with the provision of the Constitution. Therefore, it asked the Government to adopt the necessary measures to ensure that conscripts may be called upon to perform only work or services of a purely military character, except in cases of emergency.

In its 1995 observation on the Employment Policy Convention, 1964 (No.122), the Committee of Experts noted the Government's report stating that a draft Labour Code has been submitted to the competent authority. However, it urged the Government to supply a detailed report on the employment policy measures adopted and the information requested on previous occasions such as the situation, level and trends of employment, unemployment and under-employment, measures taken to promote economic development, and the manner

in which views of the employers and workers are taken into account in the formulation and application of employment policy.

Article 8

In its 1995 observation on the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No.87), the Committee of Experts recalled its previous comments and hoped that the new Labour Code now under submission to the competent authority would take into account these long-standing comments. It asked to be lept informed of new developments and receive a copy of the new Code.

In its November 1995 session, the Committee on the Freedom of Association continued examining *Case No.1795* concerning alleging anti-union dismissals and search of trade union premises. Having noted the Government's reply to the recommendations which it had made previously, the CFA expressed the firm expectation that the court would hand down its ruling shortly and that the dismissed workers would be reinstated in their jobs as soon as possible. Furthermore, the Committee requested that the Government take measures to guarantee the full respect of the principle whereby the public authorities may not enter trade union premises without prior authorization of the occupants or without having obtained a judicial warrant.

*

The Committee of Experts furthermore addressed direct requests to Honduras in 1992 on Convention No.138, in 1993 on Convention No.27, in 1995 on Conventions Nos.100 and 122, and in 1995 (Nov.-Dec.) on Conventions Nos.42, 81, 98 and 111.

LIBYAN ARAB JAMAHIRIYA

Information concerning Libyan Arab Jamahiriya has not been supplied previously.

The following relevant Conventions have been ratified and are in force for Libyan Arab Jamahiriya (for full names see the list of Conventions in Part II A above): 1, 3, 14, 26, 29, 52, 81, 88, 96, 98, 100, 102, 103, 105, 111, 118, 121, 122, 128, 130, 131, 138.

*

Article 7

In its 1995 (Nov.-Dec.) observation on the Labour Inspection Convention, 1947 (No.81), the Committee of Experts asked the Government to take measures to ensure that

the Convention is fully observed and that annual labour inspection reports containing detailed information on the work of the labour inspection services will be published and transmitted within the time limits as required by Article 20 of the Convention.

Article 8

In its 1995 (Nov.-Dec.) observation on the Right to Organize and Collective Bargaining Convention, 1949 (No.98), the Committee of Experts recalled its previous comments concerning a number of discrepancies between domestic legislation and the Convention and the assurance given by the Government to repeal or amend those legislation not in conformity with the Convention. The Committee emphasized once again the necessity of adopting measures to guarantee to all workers, be they nationals or foreigners, the rights conveyed in the Convention.

Article 9

In its 1994 observation on the Social Security (Minimum Standards) Convention, 1952 (No.102), the Committee of Experts, noting the recommendation made by the National Committee for the Examination of International Labour Conventions and Recommendations to introduce provisions concerning Parts IV and VII of the Convention, hoped that the Government would re-examine the situation and indicate in its next report the measures being taken to incorporate fully the system of unemployment benefit and family allowance into its law and practice.

In its 1995 (Nov.-Dec.) observation on the Equality of Treatment (Social Security) Convention, 1962 (No.118), the Committee of Experts, referring to its previous comments and the discussion at the Conference Committee in June 1992, recalled that the practice of making a distinction between nationals and non-Libyan workers in terms of social security payment is contrary to the principle of equality of treatment as provided by the Convention. It hoped once again that the Government would take the necessary measures to bring the legislation into conformity with the Convention.

Regarding the Employment Injury Benefits Convention, 1964 (No.121), the Committee of Experts, in its 1995 (Nov.-Dec.) observation, noted with regret that a report had not been received for the second consecutive time. It therefore repeated its previous observation and hoped that the Government would make an effort to supply the requested information in the near future.

The Committee of Experts, in its 1994 and 1995 (Nov.-Dec.) observations, also noted with regret that insufficient information had been received concerning the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No.128) and the Medical Care and Sickness Benefits Convention, 1989 (No.130), respectively, and hoped that the Government would not fail to supply detailed information in its next reports.

Article 10

In its 1994 observation on the Maternity Protection (Revised) Convention, 1952 (No.103), the Committee of Experts, noting the report from the Government, recalled that certain provisions of the national legislation were not in conformity with the Convention, particularly those concerning the length of maternity leave, both pre- and post-natal. Furthermore, the Committee noted that the Government's report contained no information in answer to previously-made comments. It thus repeated its former comments regarding restrictions in extending maternity protection to certain workers, obligatory payment of benefits by the employer and the extension of maternity leave in case of error in the presumed date of confinement.

*

The Committee of Experts furthermore addressed direct requests to Libyan Arab Jamahiriya in 1994 on Conventions Nos.102 and 128, and in 1995 (Nov.-Dec.) on Conventions Nos.1, 52, 100, 111, 118, 121, 122, 130, 131 and 138.

PORTUGAL - MACAO

In 1961, the Government notified the ILO that it considered the overseas Portuguese colonies as an integral part of the national territory. There have consequently been no separate comments of the ILO supervisory bodies on Macao. The following section reflects the situation for Portugal as a whole.

Information concerning Portugal has not been supplied previously.

The following relevant Conventions have been ratified and are in force for Portugal (for full names see the list of Conventions in Part II A above): 1, 6, 7, 11, 12, 14, 17, 18, 19, 26, 27, 29, 73, 77, 78, 81, 87, 88, 96, 98, 100, 102, 103, 105, 106, 107, 111, 115, 117, 120, 122, 124, 127, 129, 131, 132, 135, 142, 148, 151, 155, 156, 158, 171.

*

Article 6

In its 1995 (Nov.-Dec.) observation on the Discrimination (Employment and Occupation) Convention, 1958 (No.111), the Committee of Experts noted the comments made by the General Worker's Union to the effect that, despite legislative reforms, monitoring of compliance has been inadequate and unequal treatment with regard to employment and occupation still exists. In addition to asking the Government to continue providing information as regards monitoring of the legislation on equality, the Committee asked to be kept informed on the measures being taken to bring the legislation into conformity with current practice regarding night work for women in industry.

In its 1995 (Nov.-Dec.) observation on the Employment Policy Convention, 1964 (No.122), the Committee of Experts noted the information supplied by the Government concerning various employment policies adopted. However, it pointed out that the Government failed to provide information on the manner in which overall and sectoral economic policies contribute to the pursual of employment objectives. In addition, it noted several new schemes undertaken by the Government to strengthen existing machinery for integration and vocational training for employment, as well as the establishment of the Employment and Vocational Training Observatory. It requested the Government to supply any new evaluation of their effectiveness.

Article 7

The Committee of Experts noted with satisfaction in its 1994 observation on the Maximum Weight Convention, 1967 (No.127), that section 8 of Legislative Decree No.330 of 25 September 1993 gave effect to the provisions contained in the Convention. However, the Committee hoped that the Government would continue to take measures to ensure, as far as possible, that women workers and young workers are not engaged in the manual transport of loads and to ensure that the limits which are established for the loads take into account medical knowledge in this respect when these categories of workers are engaged in the manual transport of loads.

In its 1993 observation on the Minimum Wage Fixing Convention, 1970 (No.131), the Committee of Experts noted with satisfaction that earlier legislations which provided for possible exceptions to the application of the minimum wage had been repealed, and further noted with interest the new legislative decree providing for regulation of homework, including the aspect of wage fixation.

The Committee of Experts noted with satisfaction in its 1994 observation on the Occupational Safety and Health Convention, 1981 (No.155), the Government's latest report concerning the adoption of Legislative Decree No.441/91 of 14 November 1991 which ensures an improved application of the Convention by establishing a coherent national occupational safety an health policy.

Article 8

In its observation made in 1995 on the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No.87), the Committee of Experts recalled the comments it has been making over the years concerning certain provisions of the national legislation which require too high a number of workers and employers to establish a representative organization. Having noted the Government's indication that the revision of the legislation is not currently envisaged, the Committee drew the Government's attention to the need to amend explicitly the provisions in question and requested continued reports on this matter.

In its 1994 observation on the Labour Relations (Public Service) Convention, 1978 (No.151), the Committee of Experts noted both the reports from the Government and the National Federation of Public Service Unions (FNSFP) concerning the adoption of new legislation respecting public administration employees in scientific research, apparently without prior negotiation with the FNSFP. The Committee concluded that there had been no breach of Article 7 of the Convention, since the public service unions concerned did take part in preparing the new legislation.

Article 9

In its 1995 observation on the Workmen's Compensation (Accidents) Convention, 1925 (No.17), the Committee of Experts noted both the detailed information supplied by the Government and the comments made by the General Confederation of Portuguese Workers (CGTP) concerning the integration of protection against industrial accidents into the general social security scheme, involvement of medical experts in the determination of the degree of reduction of working capacity, and the criteria for determining compensation for industrial accidents. The CGTP statd that victims of industrial accidents find themselves in an unequal position confronting insurance companies in court because they cannot affort to be represented by a physician. They also alleged that the amounts of payments in compensation continued to decrease, and called for urgent action for the inclusion of such protection.

These issues were discussed in detail at the International Labour Conference in June 1995 by the Committee on the Application of Standards. The Government representative replied that the Convention did not require the integration of protection against industrial accidents into the social security scheme. However, the Government was considering a progressive integration although the effective date has not been set yet. He assured the Committee that this integration would be carried out taking into account the legal obligation to engage in tripartite consultation. Secondly, he stated that the degree of reduction of working capacity was determined by a medical expert, who works within his/her own independent capacity, and a second expert is consulted when there are any doubts. Lastly, he mentioned that the revision of the methods for calculating compensation was under way. The Workers' member discussed several reasons why the Government failed to guarantee the conditions required by the Convention, including the failure of the Government to comply with the 1984 Social Security Act which required it to integrate compensation for industrial accidents into the general social security scheme, and the method of calculations of pensions. Noting all of the comments made, the Committee agreed with the Government representative that the Convention did not mandate the inclusion of protection against industrial accidents in social security or any specific level of compensation. However, it took note of the Government's intention to do so with the necessary tripartite consultation.

In its 1992 observation on the Equality of Treatment (Accident Compensation) Convention, 1925 (No.19), the Committee of Experts confirmed the Government's intention of bringing the legislation into conformity with the Convention with regard to the rgulations respecting industrial accidents. It hoped that Act No.21/27, which does not treat Portuguese and foreign workers employed in Portugal on the same basis, would be amended in the near future and requested for information on any progress achieved in this respect.

Article 10

In its 1994 observation on the Night Work of Young Persons (Industry) Convention, 1919 (No.6), the Committee of Experts noted that the 1991 and 1993 legislation has not improved Legislative Decree No.409 of 1971, which authorizes exceptions to the prohibition of night work in industry and allows for the determination of a "night period" inconsistent with the requirements of the Convention. It requested the Government to inform it of measures taken in order to bring the legislation into conformity with the Convention.

In its 1995 observation on the Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No.78), the Committee of Experts noted with satisfaction the amendment of section 18 of Decree No.122/79 which requires the application of young people under the age of 18 years to engage in itinerant trading to be accompanied by a medical certificate demonstrating that the applicant has undergone a medical examination, which is provided for free of charge, for fitness for work. The Committee asked for further information on whether the scope of this legislation would be extended to include those in any other occupation conducted in the street or any other place of public access.

*

Article 13

The Joint ILO/UNESCO committee on the Application of the Recommendation concerning the status of Teaching personnel examined, at its July 1994 meeting, a case concerning the social security rights of teachers in Portugal, presented by the National Federation of Teachers of Portugal (FENPROF). Its Conclusions Are Appended.

The Committee of Experts furthermore addressed direct requests to Portugal in 1993 on Conventions Nos.131 and 142, in 1994 on Conventions Nos.100, 103, 129, 148, 155 and 156, in 1995 on Conventions Nos.87, 117 and 132, and in 1995 (Nov.-Dec.) on Convention No.81.

UNITED KINGDOM - HONG KONG

Information concerning United Kingdom (non-metropolitan territories) has been supplied on several occasions, most recently in 1985.

The following relevant Conventions have been declared to be applicable for Hong Kong (for full names see the list of Conventions in Part II A above): 2, 3, 5, 7, 10, 11, 12, 14, 15, 16, 17, 19, 24, 25, 26, 27, 29, 32, 35, 36, 37, 38, 39, 40, 42, 44, 58, 59, 77, 81, 87, 88, 90, 98, 100, 101, 102, 105, 115, 120, 122, 124, 135, 140, 141, 142, 148, 151.

*

Article 8

In its 1995 observation on the Labour Relations (Public Service) Convention, 1978 (No.151), the Committee of Experts, noting the observation of the Hong Kong Confederation of Trade Unions (HKCTU) and the reply of the Government thereto, observed that appropriate consultative machinery is in place at the central level which allows staff representatives to participate in the determination of civil service employment matters. The Government reiterated that the case of dispute between the civil servant workforce and the Government, referred to by the HKCTU, concerned settled public policy and was outside the purview of arbitration by a committee of inquiry. The Committee once again recalled Article 8 of the Convention and requested the Government to ensure in future that settlements of such disputes be sought in comformity with the Convention.

Article 9

In its 1994 observation on the Workmen's Compensation Convention, 1925 (No.17), the Committee of Experts expressed its hope that the Government would be in a position to establish in future the principle of the payment of compensation in cases of permanent incapacity or death, in the form of periodic payments instead of the present practice of lump-sum payments. It requested to be kept informed of any progress achieved in this respect.

*

The Committee of Experts furthermore addressed direct requests to Hong Kong in 1994 on Convention No.148, in 1995 on Conventions Nos.14 and 115, and in 1995 (Nov.-Dec.) on Conventions Nos.98 and 122.

ANNEX

Index of countries and of relevant information supplied by the ILO since 1978

Country	Articles 6-9 (Document reference)	Article 10 (Document referece)	Article 13
Afghanistan	E/1986/60 E/1989/6 E/1990/9 E/1991/4	-	
Algeria	E/1995/127	-	
Argentina	E/1995/5	E/1995/5	
Australia	E/1979/33 E/1985/63	E/1981/41 E/1986/60	
Austria	E/1988/6 E/1994/5	E/1981/41 E/1987/59	
Barbados	E/1982/41	E/1982/41	
Belgium	E/1994/63	E/1994/63	
Bulgaria	E/1980/35 E/1985/63	E/1983/40 E/1988/6	
Belarus, Republic of	E/1979/33 E/1985/63	E/1981/41 E/1987/59	
Cameroon	-	E/1988/6	
Canada	E/1982/41 E/1988/6 E/1989/6	E/1994/5	
Chile	E/1979/33 E/1985/63	E/1981/41 E/1988/6	
Colombia	E/1979/33 E/1985/63 E/1995/127	E/1990/9	

Country	Articles 6-9 (Document reference)	Article 10 (Document referece)	Article 13
Costa Rica	E/1990/9 E/1991/4	E/1990/9	
Cyprus	E/1979/33 E/1985/63	E/1981/41 E/1986/60 E/1989/6	
Czech and Slovak Federal Republic	E/1979/33 E/1986/60	E/1981/41 E/1987/59	
Denmark	E/1979/33 E/1985/63	E/1981/41 E/1987/59	
Dominican Republic	E/1990/9 E/1991/4 E/1995/127	E/1990/9 E/1991/4	
Ecuador	E/1978/27 E/1985/63	E/1990/90 E/1991/4	
El Slavador	E/1996/40	-	
Finland	E/1979/33 E/1985/63	E/1981/41 E/1986/60	
France	E/1986/60	E/1989/6	
German Democratic Republic	E/1978/27 E/1985/63	E/1981/41 E/1987/59	
Germany, Federal Republic of	E/1979/33 E/1986/60	E/1981/41 E/1987/59	
Guatemala	E/1995/127 E/1996/40	-	
Guinea	E/1996/40	-	
Guyana	E/1995/127	-	
Hungary	E/1978/27 E/1985/63	E/1986/60	
Iceland	E/1994/5	-	

India	E/1986/60	-	
Iran, Islamic Republic of	E/1978/27	E/1994/5	
Country	Articles 6-9 (Document reference)	Article 10 (Document referece)	Article 13
Iraq	E/1985/63	E/1981/41 E/1986/60	
Italy	E/1982/41	-	
Jamaica	E/1980/35 E/1989/6	E/1989/6	
Japan	E/1985/63	E/1987/59	
Jordan	E/1987/59	E/1987/59	
Kenya	E/1994/63	E/1994/63	
Luxembourg	E/1990/9	E/1990/9	
Madagascar	E/1981/41 E/1985/63	E/1986/60	
Mauritius	E/1995/127	-	
Mexico	E/1985/63 E/1994/5	E/1990/9 E/1994/5	
Mongolia	E/1978/27 E/1985/63	E/1981/41 E/1987/59	
Morocco	E/1994/63	E/1994/63	
Netherlands	E/1989/6	E/1989/6	
Netherlands (Antilles)	E/1987/59	-	
New Zealand	E/1994/5	-	
Nicaragua	E/1986/60	E/1994/5	
Norway	E/1979/33 E/1985/63 E/1995/127	E/1981/41 E/1988/6	

Country	Articles 6-9 (Document reference)	Article 10 (Document referece)	Article 13
Panama	E/1988/6 E/1989/6 E/1990/9 E/1991/4 E/1992/4	E/1981/41 E/1988/6 E/1989/6 E/1991/4	
Paraguay	E/1996/40	-	
Peru	E/1985/63	-	
Philippines	E/1978/27 E/1985/63	-	
Poland	E/1979/33 E/1986/60	E/1981/41 E/1987/59 E/1989/6	
Romania	E/1979/33 E/1985/63	E/1981/41 E/1988/6	
Rwanda	E/1985/63 E/1989/6	E/1986/60	
Senegal	E/1994/5	E/1981/41	
Spain	E/1980/35 E/1985/63 E/1996/40	E/1982/41 E/1986/60 E/1996/40	
Suriname	E/1995/5	E/1995/5	
Sweden	E/1978/27 E/1985/63	E/1981/41 E/1987/59	
Syrian Arab Republic	E/1980/35 E/1990/9 E/1992/4	E/1981/41 E/1990/9	
Tanzania	-	E/1981/41	
Trinidad and Tobago	E/1989/6	E/1989/6	
Tunisia	E/1978/27	E/1988/6 E/1989/6	

Ukranian SSR	E/1979/33 E/1985/63	E/1982/41 E/1986/60
Ukraine	E/1995/127	-

Country	Articles 6-9 (Document reference)	Article 10 (Document referece)	Article 13
United Kingdom	E/1978/27 E/1985/63	E/1981/41 E/1991/4 E/1995/5	
United Kingdom (Non-metropolitan territories)	E/1979/33	E/1982/41 E/1985/63	
Uruguay	E/1994/5 E/1994/63	E/1994/63	
USSR	E/1979/33 E/1985/63	E/1981/41 E/1987/59	
Venezuela	E/1985/63	E/1986/60	
Vietnam	E/1994/5	-	
Yemen	E/1990/9 E/1991/4	E/1990/9 E/1991/4	
Yugoslavia	E/1983/40 E/1985/63	E/1983/40	
Zaire	E/1988/6	E/1988/6	
Zambia	-	E/1986/60	